



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000

FOIA Case: 103233
11 January 2018

RAMYA KRISHNAN
KNIGHT FIRST AMENDMENT INSTITUTE
COLUMBIA UNIVERSITY
1140 AMSTERDAM AVE
206 KENT HALL
NEW YORK NY 10027

Dear Ms. Krishnan:

This is an initial response to your Freedom of Information Act (FOIA) request of 13 December 2017, which was received by this office on 19 December 2017, for the following:

1. all non-disclosure agreements and other agreements, including templates or standard forms of such agreements, imposing prepublication-review obligations on agency and/or former agency employees;
2. all documents relating to administrative appeals filed from prepublication review determinations, including but not limited to:
 - a. administrative appeals;
 - b. any correspondence or back-and-forth between an agency and an individual who filed an administrative appeal; and
 - c. final decisions with respect to administrative appeals;
3. all documents relating to any form of sanction imposed, or considered for imposition, on agency and/or former agency employees for failure to comply with their prepublication-review obligations.

Your request has been assigned Case Number 103233. This letter indicates that we have begun to process your request. There is certain information relating to this processing about which the FOIA and applicable Department of Defense (DoD) and NSA/CSS regulations require we inform you. There will be no assessable fees for this request; therefore, we did not address your fee category or request for a waiver of fees.

A FOIA request may be expedited if the requester has made a statement certified by the requester to be true and correct to the best of his/her knowledge that a compelling need exists. Compelling need is defined as follows:

1. The failure to obtain the records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual.

2. The information is urgently needed by an individual primarily engaged in disseminating information to inform the public about actual or alleged Federal Government activity. Urgent need means that the information has a particular value that will be lost if not disseminated quickly.

A request will also be handled expeditiously, upon receipt of a certified statement by the requester, if the substantial due process rights of the requester would be impaired by the failure to process the request immediately and the information sought is not otherwise available; there is a humanitarian need which will promote the welfare and interest of mankind; or other narrowly construed exceptional circumstances exist.

Your request for expedited treatment has been denied because it does not meet the FOIA's criteria for expedited treatment. This denial is based on factor 2 above; specifically, that the value of the information will not be lost if not disseminated quickly. We will process your request in our normal processing queue. If you do not agree with this assessment of your request, you may file an appeal as indicated below.

You may appeal this decision. If you decide to appeal, you should do so in the manner outlined below.

- The appeal must be sent via U.S. postal mail, fax or electronic delivery (e-mail) and addressed to:

NSA/CSS FOIA/PA Appeal Authority (P132)
National Security Agency
9800 Savage Road STE 6932
Fort George G. Meade, MD 20755-6932

The facsimile number is (443)479-3612

The appropriate email address to submit an appeal is FOIARSC@nsa.gov

- It must be postmarked or delivered electronically no later than 90 calendar days from the date of this letter. Decisions appealed after 90 days will not be addressed.
- Please include the case number provided above.
- Please describe with sufficient detail why you believe the denial of expedited processing was unwarranted.

NSA will endeavor to respond within 20 working days of receiving your appeal, absent any unusual circumstances.

Regarding item 1, for those nondisclosure agreements not already publically available, we've enclosed responsive records (8 pages). In addition, NSA uses Standard Form 312, which is publically available on the GSA.gov web site. Also, the Information Security Oversight Office published ISSO Notice 2013-05, Revision of the Standard Form SF312, which is publically available at Archives.gov.

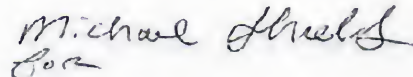
Regarding items 2 and 3, we will begin to process these portions of your request as soon as we are able. Due to a significant increase in the number of requests being received by this Agency, we are experiencing delays in processing. We appreciate your patience with our efforts to treat all requesters fairly by responding to each on a "first-in, first-out" basis.

Correspondence related to your request should include the case number assigned to your request, which is included in the second paragraph of this letter. Your letter should be addressed to National Security Agency, FOIA Office (P132), 9800 Savage Road STE 6932, Ft. George G. Meade, MD 20755-6932 or may be sent by facsimile to 443-479-3612. If sent by fax, it should be marked for the attention of the FOIA office. The telephone number of the FOIA office is 301-688-6527.

You may also contact our FOIA Public Liaison at foialo@nsa.gov for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Rd - OGIS
College Park, MD 20740
ogis@nara.gov
(877)684-6448
(202)741-5770
Fax (202)741-5769

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael Shields".

JOHN R. CHAPMAN
Chief, FOIA/PA Office
NSA Initial Denial Authority

Encls:
a/s